IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

WRIT PETITION NO.1211 OF 1995

M/s.Sewa Medicals Limited & anr. Petitioners
vs.
Union of India & ors. Respondents

Mr.K.R.Bulchandani i/b.M/s.Kamal & Co. for the petitioners.

Mr.S.M.Shah for the respondents.

CORAM : R. M. LODHA &
J. P. DEVADHAR,JJ.

DATED : 28th April, 2006

P.C.

Mr.S.M.Shah, the counsel for the revenue concedes and, in our view, fairly, that the respondents were not right in refusing to assess the Bill of Entry (Exhibit "D") and failing to allow the clearance of the said subject goods to the first petitioner and that the endorsement on the reverse of the said Bill of Entry "High Seas is not allowed in Air Cargo" is not justified.

2. We appreciate the fair stance of the counsel for the revenue.

3. By virtue of interim relief granted on 10thJuly, 1995, the respondents have cleared the subject goods.

4. In view thereof, we make rule absolute in terms of

prayer (a). Prayer (a) reads thus:

> "(a) That this Hon'ble Court will be pleased to issue a Writ of Certiorari or a Writ, order or direction in the nature of Certiorari calling for the records and papers relating to the subject matter of the petition and after probing into the legality and propriety of the impugned action of the Respondents in refusing to assess the Bill of Entry at Exhibit "D" hereto and failing to allow the clearance of the subject goods to petitioner no.1 company and the impugned order dated 03.07.1995 by endorsement on the reverse of the said Bill of Entry and as reproduced at Exhibit "E" hereto, to quash and set aside the same."

No costs.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)